

# Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

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Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

*The Daley Group, L.L.C.*

8002419

**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND  
AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

**WHO MUST FILE:**

1. **The Applicant:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
2. **Entities holding an interest in the Applicant:** Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf. If the Applicant is a not-for-profit corporation with members who elect the board of directors, those members who are legal entities and not individuals must also file EDS's on their own behalf. (Individuals who have ownership interests in the Applicant or who are members of a not-for-profit Applicant are not required to file an EDS on their own behalf.) However, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 percent or more of the Applicant's stock must file EDS's on their own behalf. A legal entity that holds an ownership interest in the Applicant and that is required to file an EDS on its own behalf shall be referred to hereinafter as a "First-Tier Related Entity."
3. **Entities holding direct or indirect interest in a First-Tier Related Entity:** The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: The Daly Group, L.L.C.

B. Address of principal office: 615 N. Wabash Avenue  
Chicago, Il. 60611

C. Telephone: 312-787-3280

D. Fax: 312-787-8125

E. Name of contact person: Patrick F. Daly

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2258 West 95th Street  
Chicago, Illinois

I. Brief project description: Developer will build a two story Borders Book Store, with an approximate aggregate square footage of twenty-five thousand (25,000) square feet with adjacent parking.

J. Description and purpose of requested City assistance: City's assistance will provide the necessary funding to allow the Developer to construct the property at this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. State of incorporation or organization, if applicable:

Illinois

3. For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?

- Yes                       No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

- a. List below or on a separate sheet the names and titles of the officers and directors of the corporation.

Name	Title
_____	_____
_____	_____
_____	_____
_____	_____

- b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control
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**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest
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**3. FOR LIMITED LIABILITY COMPANIES:**

- a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title
Patrick F. Daly	Owner Individual

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- b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest
Patrick F. Daly	25W445 Plamondon , Wheaton, Il	100%

4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

- a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:

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- b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest
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5. OTHER OWNERSHIP INTERESTS

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee
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b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.


III. OTHER PROJECT INFORMATION

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes     No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes     No

3. ever had a judgment entered against him/her/it?

Yes     No

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes     No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.

NOVEMBER 11, 1997

Section IV A-1

**CIVIL LAWSUITS**  
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PFDA, Incorporated has been on various lawsuits involving potential Professional Liability.

In most instances, PFDA, Inc. has been released in summary judgement.

There is one (1) outstanding (unsettled) lawsuit re: a workers personal injury claim. (Perscaffolding Act Revision) on a Whole Foods project, in Chicago. PFDA, Inc. is one of several firms named in this lawsuit.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

  Q   1. The undersigned makes the certification contained in Paragraph A of this Section V.

\_\_\_\_\_ 2. The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

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(Attach additional pages of explanation to this EDS, if necessary).

B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.

C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

## **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

- 2 1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
- \_\_\_ 2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
- \_\_\_ 3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
- \_\_\_ 4. There are no individuals who are Substantial Owners of the undersigned.

## **VII. CERTIFICATION**

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner, member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
  - (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.
6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

#### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EDS

pertains, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Daly Group, L.L.C.

(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

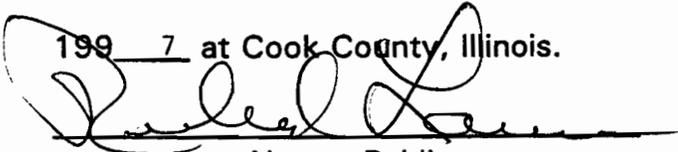
By:   
(sign here)

Title of signatory: Owner

Print or type name of signatory: Patrick F. Daly

Date: November 11, \_\_\_\_\_, 1997

Subscribed to before me this 11th day of November,

1997 at Cook County, Illinois.  
  
Notary Public



Commission expires: 9/29/01

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

**RECERTIFICATION**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

The Daly Group, L.L.C.

(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: Owner

Print or type name of signatory: Patrick F. Daly

Date: November 11, \_\_\_\_\_, 1997

Subscribed to before me this 11th day of November,  
1997 at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: 9/29/01

**CERTIFICATE OF CURRENT & PROJECTED  
EMPLOYMENT DATA FOR**

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

: The Daly Group, L.L.C.

CITY OF CHICAGO

DEPARTMENT OF PLANNING AND DEVELOPMENT

JOB CLASSIFICATION	EXISTING EMPLOYMENT		YEAR 1 NUMBER OF PROJECTED NEW EMPLOYEES		YEAR 2 NUMBER OF PROJECTED NEW EMPLOYEES		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe Briefly)
	TOTAL M = Male F = Female	MINORITY M = Male F = Female	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers	M	M							
	F	F							
Professionals	M	M							
	F	F							
Technicians	M	M							
	F	F							
Sales Workers	M	M							
	F	F							
Office and Clerical	M	M							
	F	F							
Crafts Persons (Skilled)	M	M							
	F	F							
Operatives (Semi-skilled)	M	M							
	F	F							
Laborers (Unskilled)	M	M							
	F	F							
Service Workers	M	M							
	F	F							
Other	M	M							
	F	F							
TOTAL	M	M	-0-	-0-	-0-	-0-	-0-	-0-	None
	F	F							

Subscribed and sworn to before me  
this 11th Day of November, 1997.

(Seal) \_\_\_\_\_  
Notary

**VERIFICATION:**

Under penalty of perjury, I certify that I am Patrick F. Daly The (Owner/President)  
of The Daly Group, L.L.C. that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**CITY OF CHICAGO**  
**Department of Planning and Development**

**OWNERSHIP INFORMATION SHEET**

**Borrower:** The Daly Group, L.L.C.

Form must be filled out **COMPLETELY** for individuals and entities owning any interest in order for application to be processed.  
For TRUSTS or other entities owning an interest in the borrower, please provide complete information on trustee and beneficiary on a separate sheet.

*Duplicate form if necessary*

Name: <u>Patrick F. Daly</u> Home Address: <u>25W445 Plamondon</u> <u>Wheaton, Ill 60187</u> Telephone: <u>( 630 ) 690-6750</u> Social Security #: <u>326 - 42 - 5518</u> Date of Birth: <u>1 / 25 / 47</u> Percentage Owned: <u>100%</u>	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____

# Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

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Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

*William Hoag*

8002420

**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND  
AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

**WHO MUST FILE:**

1. **The Applicant:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
2. **Entities holding an interest in the Applicant:** Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf. If the Applicant is a not-for-profit corporation with members who elect the board of directors, those members who are legal entities and not individuals must also file EDS's on their own behalf. (Individuals who have ownership interests in the Applicant or who are members of a not-for-profit Applicant are not required to file an EDS on their own behalf.) However, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 percent or more of the Applicant's stock must file EDS's on their own behalf. A legal entity that holds an ownership interest in the Applicant and that is required to file an EDS on its own behalf shall be referred to hereinafter as a "First-Tier Related Entity."
3. **Entities holding direct or indirect interest in a First-Tier Related Entity:** The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: William D. Hoag

B. Address of principal office: 615 N. Wabash Avenue

Chicago, Il. 60611

C. Telephone: 312-787-3280

D. Fax: 312-787-8125

E. Name of contact person: William D. Hoag

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2258 West 95th Street

Chicago, Illinois

I. Brief project description: Developer will build a two story Borders Book Store, with an approximate aggregate square footag  of twenty-five thousand (25,000) square feet with adjacent parking.

J. Description and purpose of requested City assistance: City's assistance will provide the necessary funding to allow the Developer to construct the property at this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. State of incorporation or organization, if applicable:

3. For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?

- Yes                       No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

- a. List below or on a separate sheet the names and titles of the officers and directors of the corporation.

Name	Title
_____	_____
_____	_____
_____	_____
_____	_____

- b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control
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**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest
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**3. FOR LIMITED LIABILITY COMPANIES:**

- a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title
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- b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest
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4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

- a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:

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- b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest
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5. OTHER OWNERSHIP INTERESTS

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee

b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.


**III. OTHER PROJECT INFORMATION**

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated  
January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes  No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes  No

3. ever had a judgment entered against him/her/it?

Yes  No

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes  No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.

INSERT FOR PAGE 10

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Section IV, A-4

Partial in Sioux Falls Property.

Property was given to lender.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

WCA 1. The undersigned makes the certification contained in Paragraph A of this Section V.

\_\_\_\_\_ 2. The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

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(Attach additional pages of explanation to this EDS, if necessary).

B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.

C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

## **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
4. There are no individuals who are Substantial Owners of the undersigned.

## **VII. CERTIFICATION**

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner, member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
- (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.

- 6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
- 7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

#### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EDS

pertains, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By: *William O. Hogg*  
(sign here)

Title of signatory: PROSPECTOR

Print or type name of signatory: WILLIAM O HOGG

Date: 11/11, 1997

Subscribed to before me this 11<sup>th</sup> day of November

1997 at Cook County, Illinois.  
*Richard Lauric*  
Notary Public



Commission expires: 9/29/01

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

**RECERTIFICATION**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

\_\_\_\_\_  
(Print or type name of individual or legal  
entity--this should be the same name as given  
in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: \_\_\_\_\_

Print or type  
name of signatory: \_\_\_\_\_

Date: \_\_\_\_\_, 199\_\_\_\_\_

Subscribed to before me this \_\_\_\_ day of \_\_\_\_\_,  
199\_\_\_\_\_ at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: \_\_\_\_\_

**CERTIFICATE OF CURRENT & PROJECTED  
EMPLOYMENT DATA FOR**

STATE OF ILLINOIS )  
                                  )  
COUNTY OF COOK )

N/A

CITY OF CHICAGO

DEPARTMENT OF PLANNING AND DEVELOPMENT

JOB CLASSIFICATION	EXISTING EMPLOYMENT		YEAR 1 NUMBER OF PROJECTED NEW EMPLOYEES		YEAR 2 NUMBER OF PROJECTED NEW EMPLOYEES		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe Briefly)
	TOTAL M = Male F = Female	MINORITY M = Male F = Female	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers	M	M							
	F	F							
Professionals	M	M							
	F	F							
Technicians	M	M							
	F	F							
Sales Workers	M	M							
	F	F							
Office and Clerical	M	M							
	F	F							
Crafts Persons (Skilled)	M	M							
	F	F							
Operatives (Semi-skilled)	M	M							
	F	F							
Laborers (Unskilled)	M	M							
	F	F							
Service Workers	M	M							
	F	F							
Other	M	M							
	F	F							
TOTAL	M	M							
	F	F							

Subscribed and sworn to before me  
this \_\_\_\_\_ Day of \_\_\_\_\_, 19\_\_\_\_.

(Seal) \_\_\_\_\_  
Notary

**VERIFICATION:**  
Under penalty of perjury, I certify that I am \_\_\_\_\_ The (Owner/President)  
of \_\_\_\_\_, that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**CITY OF CHICAGO**  
**Department of Planning and Development**

**OWNERSHIP INFORMATION SHEET**

**Borrower:** William D. Hoag

Form must be filled out **COMPLETELY** for individuals and entities owning any interest in order for application to be processed.  
For TRUSTS or other entities owning an interest in the borrower, please provide complete information on trustee and beneficiary on a separate sheet.

*Duplicate form if necessary*

Name: <u>William D. Hoag</u> Home Address: <u>1480 Northwoods Circle</u> <u>Deerfield, Il. 60015</u> Telephone: <u>( 847 ) 945-0859</u> Social Security #: <u>140 - 34 - 0282</u> Date of Birth: <u>3 / 19 / 43</u> Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____

# Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

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Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

*DB Beverly, Inc.*

8002421

**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND  
AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

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1. **The Applicant:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
2. **Entities holding an interest in the Applicant:** Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf. If the Applicant is a not-for-profit corporation with members who elect the board of directors, those members who are legal entities and not individuals must also file EDS's on their own behalf. (Individuals who have ownership interests in the Applicant or who are members of a not-for-profit Applicant are not required to file an EDS on their own behalf.) However, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 percent or more of the Applicant's stock must file EDS's on their own behalf. A legal entity that holds an ownership interest in the Applicant and that is required to file an EDS on its own behalf shall be referred to hereinafter as a "First-Tier Related Entity."
3. **Entities holding direct or indirect interest in a First-Tier Related Entity:** The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: DB Beverly, Inc.

B. Address of principal office: 615 N. Wabash

Chicago, Illinois 60611

C. Telephone: 312-787-3280

D. Fax: 312-787-8125

E. Name of contact person: Patrick F. Daly

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2258 West 95th Street

Chicago, Illinois

I. Brief project description: Developer will build a two story Borders Book Store, with an approximate aggregate square footage of twenty-five thousand (25,000) square feet with adjacent parking.

J. Description and purpose of requested City assistance: City's assistance will provide the necessary funding to allow Developer to construct the property at this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. State of incorporation or organization, if applicable:  
Illinois

3. For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?

- Yes
- No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

- a. List below or on a separate sheet the names and titles of the officers and directors of the corporation.

Name	Title
Patrick F. Daly	Owner

- b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest

- c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
Patrick F. Daly	25W445 Plamondon Wheaton, Il.	100%

- d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control
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**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest
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**3. FOR LIMITED LIABILITY COMPANIES:**

- a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title
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- b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest
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4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

- a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:

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- b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest
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5. OTHER OWNERSHIP INTERESTS

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee

b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.


**III. OTHER PROJECT INFORMATION**

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated  
January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes     No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes     No

3. ever had a judgment entered against him/her/it?

Yes     No

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes     No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.

NOVEMBER 11, 1997

Section IV A-1

**CIVIL LAWSUITS**  
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PFDA, Incorporated has been on various lawsuits involving potential Professional Liability.

In most instances, PFDA, Inc. has been released in summary judgement.

There is one (1) outstanding (unsettled) lawsuit re: a workers personal injury claim. (Perscaffolding Act Revision) on a Whole Foods project, in Chicago. PFDA, Inc. is one of several firms named in this lawsuit.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

  *Q*   1. The undersigned makes the certification contained in Paragraph A of this Section V.

       2. The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

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(Attach additional pages of explanation to this EDS, if necessary).

B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.

C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

## **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
- \_\_\_ 2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
- \_\_\_ 3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
- \_\_\_ 4. There are no individuals who are Substantial Owners of the undersigned.

## **VII. CERTIFICATION**

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner, member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
- (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.

- 6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
- 7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EDS

pertains, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

DB Beverly, Inc.

(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By:   
(sign here)

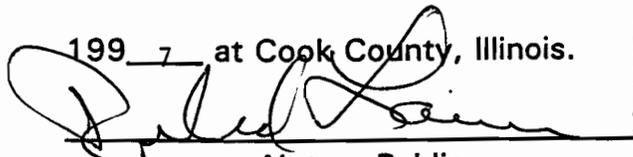
Title of signatory: Owner

Print or type name of signatory: Patrick F. Daly

Date: November 11, 1997

Subscribed to before me this 11th day of November,

1997 at Cook County, Illinois.

  
Notary Public



Commission expires: 9/29/01

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

**RECERTIFICATION**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

DB Beverly, Inc.

(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: Owner

Print or type name of signatory: Patrick F. Daly

Date: November 11, 1997

Subscribed to before me this 11th day of November,  
1997 at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: 9/29/01

**CERTIFICATE OF CURRENT & PROJECTED  
EMPLOYMENT DATA FOR**

STATE OF ILLINOIS )  
                          )  
COUNTY OF COOK )

: DB Beverly, Inc.

CITY OF CHICAGO

DEPARTMENT OF PLANNING AND DEVELOPMENT

JOB CLASSIFICATION	EXISTING EMPLOYMENT		YEAR 1 NUMBER OF PROJECTED NEW EMPLOYEES		YEAR 2 NUMBER OF PROJECTED NEW EMPLOYEES		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe Briefly)
	TOTAL M = Male F = Female	MINORITY M = Male F = Female	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers	M	M							
	F	F							
Professionals	M	M							
	F	F							
Technicians	M	M							
	F	F							
Sales Workers	M	M							
	F	F							
Office and Clerical	M	M							
	F	F							
Crafts Persons (Skilled)	M	M							
	F	F							
Operatives (Semi-skilled)	M	M							
	F	F							
Laborers (Unskilled)	M	M							
	F	F							
Service Workers	M	M							
	F	F							
Other	M	M							
	F	F							
TOTAL	M	M	-0-	-0-	-0-	-0-	-0-	-0-	None
	F	F							

Subscribed and sworn to before me  
this 11 day of November, 19 97.

(Seal) \_\_\_\_\_  
Notary

**VERIFICATION:**

Under penalty of perjury, I certify that I am Patrick F. Daly The (Owner/President)  
of DB Beverly, Inc., that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

Signature \_\_\_\_\_

Date \_\_\_\_\_



**CITY OF CHICAGO**  
**Department of Planning and Development**

**OWNERSHIP INFORMATION SHEET**

**Borrower:** DB Beverly, Inc.

Form must be filled out **COMPLETELY** for individuals and entities owning any interest in order for application to be processed.  
For TRUSTS or other entities owning an interest in the borrower, please provide complete information on trustee and beneficiary on a separate sheet.

*Duplicate form if necessary*

Name: <u>Patrick F. Daly</u> Home Address: <u>25W445 Plamondon</u> <u>Wheaton, Il. 60187</u> Telephone: <u>( 630 ) 690-6750</u> Social Security #: <u>326 - 42 - 5518</u> Date of Birth: <u>1 / 25 / 47</u> Percentage Owned: <u>100%</u>	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____

*LESSEE*

## Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

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Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

JFM111E0206.FRM

**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND  
AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

**WHO MUST FILE:**

1. The Applicant: Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
2. Entities holding an interest in the Applicant: Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf. If the Applicant is a not-for-profit corporation with members who elect the board of directors, those members who are legal entities and not individuals must also file EDS's on their own behalf. (Individuals who have ownership interests in the Applicant or who are members of a not-for-profit Applicant are not required to file an EDS on their own behalf.) However, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 percent or more of the Applicant's stock must file EDS's on their own behalf. A legal entity that holds an ownership interest in the Applicant and that is required to file an EDS on its own behalf shall be referred to hereinafter as a "First-Tier Related Entity."
3. Entities holding direct or indirect interest in a First-Tier Related Entity: The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: Borders, Inc.

B. Address of principal office: 311 Maynard Street .  
Ann Arbor, MI 48104

C. Telephone: (313) 913-1100

D. Fax: (313) 913-1366

E. Name of contact person: Alex J. Lelli, Jr, Vice President - Development

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2268 West 95th Street  
Chicago, Illinois

I. **Brief project description:** The Developer of this Project will build a two story Borders Books & Music Store with an approximate square footage of twenty-five thousand (25,000) square feet with adjacent parking.

J. **Description and purpose of requested City assistance:** City assistance will provide the necessary funding to allow the Developer to construct the building on this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. **Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:**

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. **State of incorporation or organization, if applicable:**

Colorado

3. **For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?**

- Yes
- No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

a. List below or on a separate sheet the names and titles of the officers and directors of the corporation. (See attachment)

Name	Title

b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest

c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
Borders Group, Inc.	515 East Liberty	100%
	Ann Arbor, MI 48104	

d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control

**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest

**3. FOR LIMITED LIABILITY COMPANIES:**

a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title

b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest

4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:


b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest

**5. OTHER OWNERSHIP INTERESTS**

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee

b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.


III. OTHER PROJECT INFORMATION

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated  
January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

**A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:**

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes  No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes  No

3. ever had a judgment entered against him/her/it?

Yes  No (See attached)

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes  No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

(See attached)

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

**A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.**

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

     1. The undersigned makes the certification contained in Paragraph A of this Section V.

     2. The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional pages of explanation to this EDS, if necessary).

B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.

C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 3001 *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/5B.6).

#### **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

- \_\_\_ 1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
- \_\_\_ 2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
- \_\_\_ 3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
4. There are no individuals who are Substantial Owners of the undersigned.

#### **VII. CERTIFICATION**

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner, member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
- (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.

6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EOS

pertains, the undersigned shall complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Borders, Inc.

(Print or type name of individual or legal entity--this should be the same name as given in Section 1(A) hereof)

By: Alex J. Lellit  
(sign here)

Title of signatory: Vice President - Development

Print or type name of signatory: Alex J. Lellit, Jr.

Date: December 4, 1997

Subscribed to before me this 4th day of December

1997 at ~~Cook County, Illinois~~: WASHTENAW COUNTY, MICHIGAN

Sandra E. King  
Notary Public

SANDRA E. KING

Commission expires: 8/8/98

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

**RECERTIFICATION**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

\_\_\_\_\_  
(Print or type name of individual or legal entity--this should be the same name as given in Section 1(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: \_\_\_\_\_

Print or type name of signatory: \_\_\_\_\_

Date: \_\_\_\_\_, 199\_\_

Subscribed to before me this \_\_\_\_ day of \_\_\_\_\_

199\_\_ at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: \_\_\_\_\_

**CERTIFICATE OF CURRENT & PROJECTED EMPLOYMENT DATA FOR**

CITY OF CHICAGO  
DEPARTMENT OF PLANNING AND DEVELOPMENT

STATE OF ILLINOIS  
COUNTY OF COOK

JOB CLASSIFICATION	EXISTING EMPLOYMENT			YEAR 1		YEAR 2		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe briefly)
	TOTAL			NUMBER OF PROJECTED NEW EMPLOYEES		NUMBER OF PROJECTED NEW EMPLOYEES				
	M-F	M-F	F-F	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers										
Professionals										
Technicians										
Sales Workers										
Office and Clerical										
Crafts Persons (Skilled)										
Operators (Semi-skilled)										
Laborers (Unskilled)										
Service Workers										
Other										
TOTAL										

Subscribed and sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_ 19\_\_\_\_

(Seal) \_\_\_\_\_

Notary \_\_\_\_\_

VERIFICATION:  
Under penalty of perjury, I certify that I am \_\_\_\_\_ The Mayor/President  
of \_\_\_\_\_, that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

Signature \_\_\_\_\_ Date \_\_\_\_\_



CITY OF CHICAGO  
Department of Planning and Development

**OWNERSHIP INFORMATION SHEET**

**Borrower:** \_\_\_\_\_

Form must be filed out COMPLETELY for individuals and entities owning any interest in order for application to be processed.  
For TRUSTS or other entities owning an interest in the borrower, please provide complete information on TRUSTS and beneficiary on a separate sheet.

*Duplicate form if necessary*

Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: ( ) _____ Social Security #: _____ Date of Birth: _____/_____/_____ Percentage Owned: _____

**Attachment to Economic Disclosure Statement**

**Borders, Inc. -- Beverly**

Further information regarding responses to Section IV(A)(1) and (3).

1. **Officers/Directors of Borders, Inc. (Section II(B)(1)):**

<u>Name</u>	<u>Title</u>
Robert F. DiRomualdo	Director
George R. Mrkonic	Director
Robert F. DiRomualdo	Chairman and Chief Executive Officer
George R. Mrkonic	Vice Chairman
Bruce A. Quinnell	Vice Chairman
Richard L. Flanagan	President
Tami L. Helm	Territorial Vice President
Stephen D. Davis	Territorial Vice President
David Carpenter	Territorial Vice President
Timothy J. Hopkins	Senior Vice President - Merchandising
Vincent E. Altruda	Senior Vice President - Store Development
Len Cosimano	Vice President - Music
David M. Mackool	Vice President - Internet
Anne Kubek	Vice President - Human Resources
George Thomas, Jr.	Vice President - Distribution
Alex J. Lelli, Jr.	Vice President - Development
Kenneth E. Scheve	Vice President - Finance; Treasurer and Assistant Secretary
Edward W. Wilhelm	Vice President - Reporting and Planning
James B. Brigham	Vice President - Business Services
Marilyn D. Slankard	Vice President - Marketing
Phil Ollilla	Vice President - Merchandising
Philip C. Semprevivo	Vice President - ITSG
Cedric J. Vanzura	Vice President - Planning
Patrick J. Murphy	Vice President - Distribution
Thomas D. Carney	Secretary
Edward Jackson	Assistant Treasurer and Assistant Secretary
Margaret Petersen	Assistant Secretary
Cynthia Danza	Assistant Secretary

2. Borders, Inc. operates over one hundred sixty (160) retail superstores and in the course of its business operations, is sued for matters involving personal injury and/or commercial disputes.

At this time, there is no outstanding judgment against the Company.

4:c:\wp60\wpfiles\borders\economic.stt

TO BE  
EMPLOYED  
BY DEV

# Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

---

Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

*PFDA, Inc.*

8002423

**CITY OF CHICAGO**  
**ECONOMIC DISCLOSURE STATEMENT**  
**AND**  
**AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

**WHO MUST FILE:**

1. **The Applicant:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
2. **Entities holding an interest in the Applicant:** Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf. If the Applicant is a not-for-profit corporation with members who elect the board of directors, those members who are legal entities and not individuals must also file EDS's on their own behalf. (Individuals who have ownership interests in the Applicant or who are members of a not-for-profit Applicant are not required to file an EDS on their own behalf.) However, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 percent or more of the Applicant's stock must file EDS's on their own behalf. A legal entity that holds an ownership interest in the Applicant and that is required to file an EDS on its own behalf shall be referred to hereinafter as a "First-Tier Related Entity."
3. **Entities holding direct or indirect interest in a First-Tier Related Entity:** The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: PFDA, INC.

B. Address of principal office: 615 N. Wabash Avenue  
Chicago, Illinois 60611

C. Telephone: 312-787-3280

D. Fax: 312-787-8125

E. Name of contact person: Patrick F. Daly

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2258 West 95th Street  
Chicago, Illinois

I. Brief project description: Developer will build a two story Borders Book  
Store, with an approximate aggregate square footage of twenty-five thousand  
(25,000) square feet with adjacent parking.

J. Description and purpose of requested City assistance: City's assistance  
will provide the necessary funding to allow the Developer to construct  
the property at this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. State of incorporation or organization, if applicable:  
Illinois

3. For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?

- Yes                       No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

- a. List below or on a separate sheet the names and titles of the officers and directors of the corporation.

Name	Title
Patrick F. Daly	Chairman
Anthony Cassata	President

- b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest

- c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
Patrick F. Daly	25W445 Plamondon Wheaton, IL 60187	50%
Anthony Cassata	1705 Freedom Ct. Mount Prospect, IL	50%

- d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control

**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest

**3. FOR LIMITED LIABILITY COMPANIES:**

- a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title

- b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest
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4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

- a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:

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- b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest
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5. OTHER OWNERSHIP INTERESTS

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee
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b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.


**III. OTHER PROJECT INFORMATION**

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes     No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes     No

3. ever had a judgment entered against him/her/it?

Yes     No

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes     No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.

NOVEMBER 11, 1997

Section IV A-1

**CIVIL LAWSUITS**  
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PFDA, Incorporated has been on various lawsuits involving potential Professional Liability.

In most instances, PFDA, Inc. has been released in summary judgement.

There is one (1) outstanding (unsettled) lawsuit re: a workers personal injury claim. (Perscaffolding Act Revision) on a Whole Foods project, in Chicago. PFDA, Inc. is one of several firms named in this lawsuit.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

  9   1. The undersigned makes the certification contained in Paragraph A of this Section V.

\_\_\_\_\_ 2. The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

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(Attach additional pages of explanation to this EDS, if necessary).

B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.

C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

## **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

- 1 1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
- \_\_\_ 2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
- \_\_\_ 3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
- \_\_\_ 4. There are no individuals who are Substantial Owners of the undersigned.

## **VII. CERTIFICATION**

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner, member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
  - (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.
6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

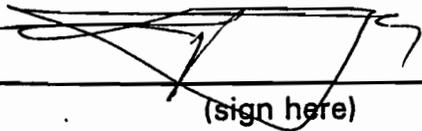
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EDS

pertains, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

PFDA, INC.

(Print or type name of individual or legal  
entity--this should be the same name as given  
in Section I(A) hereof)

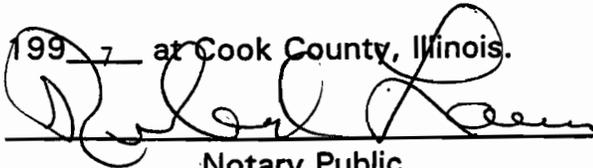
By:   
(sign here)

Title of signatory: Chairman

Print or type  
name of signatory: Patrick F. Daly

Date: November 11, 1997

Subscribed to before me this 11th day of November,

1997 at Cook County, Illinois.  
  
Notary Public



Commission expires: 9/29/01

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

### RECERTIFICATION

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

PFDA, INC.

\_\_\_\_\_  
(Print or type name of individual or legal  
entity--this should be the same name as given  
in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: Chairman

Print or type  
name of signatory: Patrick F. Daly

Date: November 11, 1997

Subscribed to before me this 11th day of November,

1997 at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: 9/29/01

**CERTIFICATE OF CURRENT & PROJECTED  
EMPLOYMENT DATA FOR**

STATE OF ILLINOIS )  
COUNTY OF COOK )

: PFDA, INC.

CITY OF CHICAGO

DEPARTMENT OF PLANNING AND DEVELOPMENT

JOB CLASSIFICATION	EXISTING EMPLOYMENT		YEAR 1 NUMBER OF PROJECTED NEW EMPLOYEES		YEAR 2 NUMBER OF PROJECTED NEW EMPLOYEES		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe Briefly)
	TOTAL M = Male F = Female	MINORITY M = Male F = Female	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers	M 4	M 1					62,500		
	F	F							
Professionals	M 5	M 1					50,000		
	F 2	F 1							
Technicians	M	M							
	F	F							
Sales Workers	M	M							
	F	F							
Office and Clerical	M	M					32,400		
	F	F 1							
Crafts Persons (Skilled)	M	M							
	F	F							
Operatives (Semi-skilled)	M	M							
	F	F							
Laborers (Unskilled)	M	M							
	F	F							
Service Workers	M	M							
	F	F							
Other	M	M							
	F	F							
TOTAL	M 9	M 2							
	F 2	F 2							

Subscribed and sworn to before me  
this 11th Day of November, 19 97.

(Seal) \_\_\_\_\_  
Notary

VERIFICATION:  
Under penalty of perjury, I certify that I am Patrick F. Daly The (Owner/President) Chairman  
of PFDA, INC., that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**CITY OF CHICAGO**  
**Department of Planning and Development**

**OWNERSHIP INFORMATION SHEET**

**Borrower:** PFDA, INC.

Form must be filled out **COMPLETELY** for individuals and entities owning any interest in order for application to be processed.  
For TRUSTS or other entities owning an interest in the borrower, please provide complete information on trustee and beneficiary on a separate sheet.

*Duplicate form if necessary*

Name: <u>Patrick F. Daly</u> Home Address: <u>25W445 Plamondon</u> <u>Wheaton, Il. 60187</u> Telephone: <u>( 630 ) 690-6750</u> Social Security #: <u>326 - 42 - 5518</u> Date of Birth: <u>1 / 25 / 47</u> Percentage Owned: <u>50%</u>	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: <u>Anthony Cassata</u> Home Address: <u>1705 Freedom Ct.</u> <u>Mount Prospect, Il 60056</u> Telephone: <u>( 312 ) 787-3280</u> Social Security #: <u>349 - 46 - 9952</u> Date of Birth: _____ / _____ / _____ Percentage Owned: <u>50%</u>	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ - _____ - _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____

# Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

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Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

*Dalan Development, Inc.*

8002424

**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND  
AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

**WHO MUST FILE:**

1. **The Applicant:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
2. **Entities holding an interest in the Applicant:** Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf. If the Applicant is a not-for-profit corporation with members who elect the board of directors, those members who are legal entities and not individuals must also file EDS's on their own behalf. (Individuals who have ownership interests in the Applicant or who are members of a not-for-profit Applicant are not required to file an EDS on their own behalf.) However, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 percent or more of the Applicant's stock must file EDS's on their own behalf. A legal entity that holds an ownership interest in the Applicant and that is required to file an EDS on its own behalf shall be referred to hereinafter as a "First-Tier Related Entity."
3. **Entities holding direct or indirect interest in a First-Tier Related Entity:** The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: Dalan Development, Inc.

B. Address of principal office: 615 N. Wabash Avenue

Chicago, Illinois 60611

C. Telephone: 312-787-3280

D. Fax: 312-787-8125

E. Name of contact person: Patrick F. Daly

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2258 West 95th Street

Chicago, Illinois

I. Brief project description: Developer will build a two story Borders Book Store, with an approximate aggregate square footage of twenty-five thousand (25,000) square feet with adjacent parking.

J. Description and purpose of requested City assistance: City's assistance will provide the necessary funding to allow the Developer to construct the property at this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. State of incorporation or organization, if applicable:  
Illinois

3. For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?

- Yes
- No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

- a. List below or on a separate sheet the names and titles of the officers and directors of the corporation.

Name	Title
Patrick F. Daly	CHairman
William Hoag	President

- b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest

- c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
Patrick F. Daly	25W445 Plamondon	Wheaton, Il. 100%

- d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control
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**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest
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**3. FOR LIMITED LIABILITY COMPANIES:**

- a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title
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- b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest
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4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

- a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:

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- b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest
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5. OTHER OWNERSHIP INTERESTS

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee
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b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.


III. OTHER PROJECT INFORMATION

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated  
January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes     No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes     No

3. ever had a judgment entered against him/her/it?

Yes     No

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes     No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.

NOVEMBER 11, 1997

Section IV A-1

**CIVIL LAWSUITS**  
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PFDA, Incorporated has been on various lawsuits involving potential Professional Liability.

In most instances, PFDA, Inc. has been released in summary judgement.

There is one (1) outstanding (unsettled) lawsuit re: a workers personal injury claim. (Perscaffolding Act Revision) on a Whole Foods project, in Chicago. PFDA, Inc. is one of several firms named in this lawsuit.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

  9   1. The undersigned makes the certification contained in Paragraph A of this Section V.

       2. The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

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(Attach additional pages of explanation to this EDS, if necessary).

B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.

C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

## **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

- 1 1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
- \_\_\_ 2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
- \_\_\_ 3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
- \_\_\_ 4. There are no individuals who are Substantial Owners of the undersigned.

## VII. CERTIFICATION

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner, member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
- (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.

- 6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
- 7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EDS

pertains, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Dalan Development, Inc.

(Print or type name of individual or legal  
entity--this should be the same name as given  
in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: Chairman

Print or type  
name of signatory: Patrick F. Daly

Date: November 11, 1997

Subscribed to before me this 11th day of November,

1997 at Cook County, Illinois.

Richard Lauric  
Notary Public



Commission expires: 9/29/01

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

**RECERTIFICATION**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

Dalan Development, Inc.

\_\_\_\_\_  
(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: Chairman

Print or type name of signatory: Patrick F. Daly

Date: November 11, \_\_\_\_\_, 1997

Subscribed to before me this 11th day of November,  
1997 at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: 9/29/01

**CERTIFICATE OF CURRENT & PROJECTED  
EMPLOYMENT DATA FOR**

STATE OF ILLINOIS )  
                                  )  
COUNTY OF COOK )

: Dalan Development, Inc.

CITY OF CHICAGO

DEPARTMENT OF PLANNING AND DEVELOPMENT

JOB CLASSIFICATION	EXISTING EMPLOYMENT		YEAR 1 NUMBER OF PROJECTED NEW EMPLOYEES		YEAR 2 NUMBER OF PROJECTED NEW EMPLOYEES		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe Briefly)
	TOTAL M=Male F=Female	MINORITY M=Male F=Female	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers	M 3 F	M F					60,000		
Professionals	M 1 F	M F					60,000		
Technicians	M F	M F							
Sales Workers	M F	M F							
Office and Clerical	M F 2	M F 3					32,000		
Crafts Persons (Skilled)	M F	M F							
Operatives (Semi-skilled)	M F	M F							
Laborers (Unskilled)	M F	M F							
Service Workers	M F	M F							
Other	M F	M F							
TOTAL	M 4 F 2	M F 3							

Subscribed and sworn to before me  
this 11th Day of November, 1997.

(Seal) \_\_\_\_\_  
Notary

**VERIFICATION:**

Under penalty of perjury, I certify that I am Patrick F. Daly The (Owner/President)  
of Dalan Development, Inc., that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**CITY OF CHICAGO**  
**Department of Planning and Development**

**OWNERSHIP INFORMATION SHEET**

**Borrower:** Dalan Development, Inc.

Form must be filled out **COMPLETELY** for individuals and entities owning any interest in order for application to be processed.  
For TRUSTS or other entities owning an interest in the borrower, please provide complete information on trustee and beneficiary on a separate sheet.

*Duplicate form if necessary*

Name: <u>Patrick F. Daly</u> Home Address: <u>25W445 Plamondon</u> <u>Wheaton, il.</u> Telephone: <u>( 630 ) 690-6750</u> Social Security #: <u>326 - 42 - 5518</u> Date of Birth: <u>1 / 25 / 47</u> Percentage Owned: <u>100%</u>	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____
Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____	Name: _____ Home Address: _____ Telephone: <u>( )</u> Social Security #: _____ Date of Birth: _____ / _____ / _____ Percentage Owned: _____

# Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

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Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

*Patrick F. Daley*

8002425

**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND  
AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

**WHO MUST FILE:**

1. **The Applicant:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
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3. **Entities holding direct or indirect interest in a First-Tier Related Entity:** The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: Patrick F. Daly

B. Address of principal office: 615 N. Wabash Avenue

Chicago, Illinois 60611

C. Telephone: 312-787-3280

D. Fax: 312-787-8125

E. Name of contact person: Patrick F. Daly

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2258 West 95th Street

Chicago, Illinois

I. Brief project description: Developer will build a two story Borders Book Store, with an approximate aggregate square footage of twenty-five thousand (25,000) square feet with adjacent parking.

J. Description and purpose of requested City assistance: City's assistance will provide the necessary funding to allow the Developer to construct the property at this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. State of incorporation or organization, if applicable:

3. For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?

- Yes                       No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

- a. List below or on a separate sheet the names and titles of the officers and directors of the corporation.

Name	Title
_____	_____
_____	_____
_____	_____
_____	_____

- b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control
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**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest
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**3. FOR LIMITED LIABILITY COMPANIES:**

- a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title
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- b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest
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4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

- a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:

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- b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest
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**5. OTHER OWNERSHIP INTERESTS**

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee
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b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.

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**III. OTHER PROJECT INFORMATION**

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes     No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes     No

3. ever had a judgment entered against him/her/it?

Yes     No

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes     No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.

NOVEMBER 11, 1997

Section IV A-1

**CIVIL LAWSUITS**

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PFDA, Incorporated has been on various lawsuits involving potential Professional Liability.

In most instances, PFDA, Inc. has been released in summary judgement.

There is one (1) outstanding (unsettled) lawsuit re: a workers personal injury claim. (Perscaffolding Act Revision) on a Whole Foods project, in Chicago. PFDA, Inc. is one of several firms named in this lawsuit.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

 1.

The undersigned makes the certification contained in Paragraph A of this Section V.

\_\_\_\_\_ 2.

The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

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(Attach additional pages of explanation to this EDS, if necessary).

B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.

C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

## **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

- P 1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
- \_\_\_ 2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
- \_\_\_ 3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
- \_\_\_ 4. There are no individuals who are Substantial Owners of the undersigned.

## **VII. CERTIFICATION**

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner, member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
- (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.

- 6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
- 7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EDS

pertains, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Patrick F. Daly

(Print or type name of individual or legal  
entity--this should be the same name as given  
in Section I(A) hereof)

By: \_\_\_\_\_



(sign here)

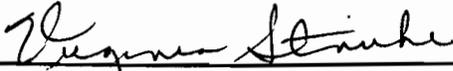
Title of signatory: N/A

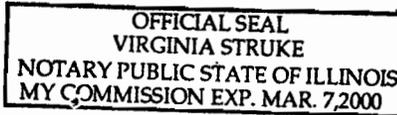
Print or type  
name of signatory: Patrick F. Daly

Date: November 11, \_\_\_\_\_, 1997

Subscribed to before me this 11th day of November,

1997 at Cook County, Illinois.

  
\_\_\_\_\_  
Notary Public



Commission expires: 11/13/97

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

**RECERTIFICATION**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

\_\_\_\_\_  
(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: \_\_\_\_\_

Print or type name of signatory: \_\_\_\_\_

Date: \_\_\_\_\_, 199 \_\_\_\_\_

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
199 \_\_\_\_\_ at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: \_\_\_\_\_

**CERTIFICATE OF CURRENT & PROJECTED  
EMPLOYMENT DATA FOR**

STATE OF ILLINOIS )  
                                  )  
COUNTY OF COOK )

: Patrick F. Daly

CITY OF CHICAGO

DEPARTMENT OF PLANNING AND DEVELOPMENT

JOB CLASSIFICATION	EXISTING EMPLOYMENT		YEAR 1 NUMBER OF PROJECTED NEW EMPLOYEES		YEAR 2 NUMBER OF PROJECTED NEW EMPLOYEES		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe Briefly)
	TOTAL M = Male F = Female	MINORITY M = Male F = Female	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers	M _____ F _____	M _____ F _____							
Professionals	M _____ F _____	M _____ F _____							
Technicians	M _____ F _____	M _____ F _____							
Sales Workers	M _____ F _____	M _____ F _____							
Office and Clerical	M _____ F _____	M _____ F _____							
Crafts Persons (Skilled)	M _____ F _____	M _____ F _____							
Operatives (Semi-skilled)	M _____ F _____	M _____ F _____							
Laborers (Unskilled)	M _____ F _____	M _____ F _____							
Service Workers	M _____ F _____	M _____ F _____							
Other	M _____ F _____	M _____ F _____							
TOTAL	M _____ F _____	M _____ F _____							N/A

Subscribed and sworn to before me  
this \_\_\_\_\_ Day of \_\_\_\_\_, 19\_\_\_\_.

(Seal) \_\_\_\_\_  
Notary

**VERIFICATION:**

Under penalty of perjury, I certify that I am \_\_\_\_\_ The (Owner/President)  
of \_\_\_\_\_, that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# Affidavits and Certifications



City of Chicago  
Richard M. Daley, Mayor

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Department of Planning and Development  
Christopher R. Hill, Commissioner

Finance Division  
Lawrence L. Wilson, Deputy Commissioner

*Anthony Casala*

8002426

**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND  
AFFIDAVIT**

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, the following information is required to be disclosed prior to any City agency, department or City Council action. Please fully complete each statement, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A." *An incomplete EDS shall be returned and any City action shall be interrupted.*

**WHO MUST FILE:**

1. **The Applicant:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this Economic Disclosure Statement and Affidavit (the "EDS"). For example, with respect to a City loan or grant, the individual or entity receiving the loan or grant is the "Applicant."
2. **Entities holding an interest in the Applicant:** Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf. If the Applicant is a not-for-profit corporation with members who elect the board of directors, those members who are legal entities and not individuals must also file EDS's on their own behalf. (Individuals who have ownership interests in the Applicant or who are members of a not-for-profit Applicant are not required to file an EDS on their own behalf.) However, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 percent or more of the Applicant's stock must file EDS's on their own behalf. A legal entity that holds an ownership interest in the Applicant and that is required to file an EDS on its own behalf shall be referred to hereinafter as a "First-Tier Related Entity."
3. **Entities holding direct or indirect interest in a First-Tier Related Entity:** The same rules described in (2) above also apply to owners of First-Tier Related Entities, owners of such owners, and so on. All such owners which are legal entities (i.e., not individuals) and are, pursuant to such rules, required to file EDS's on their own behalf shall be referred to hereinafter as "Upper-Tier Related Entities."

The individual or legal entity completing this EDS shall be referred to as the "undersigned" throughout this EDS.

**ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS:** By completing and filing this EDS, the undersigned acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

**INFORMATION TO BE KEPT CURRENT:** All disclosures must be current as of the date upon which the application is presented to the City Council or other City agency, and shall be maintained current until such time as the City Council or City agency shall take action on the application. This requires (i) the submission of this EDS at the time the initial application is made; (ii) a recertification of this EDS (a) at the time the related ordinance, if any, is submitted to the City Council if such submission is more than 60 days following the original execution of this EDS; and (b) upon the closing of the related transaction.

**RE-CERTIFYING THIS EDS:** Execute the certification on the date of the initial submission of this EDS. You may be asked to re-execute this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

**I. GENERAL INFORMATION**

A. Exact legal name of undersigned: Anthony Cassata

B. Address of principal office: 615 N. Wabash Avenue  
Chicago, Illinois 60611

C. Telephone: 312-787-3280

D. Fax: 312-787-8125

E. Name of contact person: Anthony Cassata

F. City agency receiving this EDS: Department of Planning and Development

G. Type of action requested: Execution of a Redevelopment Agreement

H. Project location: 2200-2258 West 95th Street  
Chicago, Illinois

I. Brief project description: Developer will build a two story Borders Book  
Store, with an approximate aggregate square footage of twenty-five thousand  
(25,000) square feet with adjacent parking.

J. Description and purpose of requested City assistance: City's assistance  
will provide the necessary funding to allow the Developer to construct  
the property at this site.

**II. DISCLOSURE OF OWNERSHIP INTERESTS**

**A. GENERAL INFORMATION**

1. Indicate whether the undersigned is an individual or legal entity and, if a legal entity, indicate the type of entity below:

- Individual
- Business corporation
- Not-for-profit corporation
- General partnership
- Limited partnership
- Limited liability company
- Joint venture
- Sole proprietor
- Other entity (please specify) \_\_\_\_\_

2. State of incorporation or organization, if applicable:

N/A

3. For corporations, limited partnerships and limited liability companies not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity?

- Yes       No

**B. ORGANIZATION INFORMATION**

**1. FOR CORPORATIONS:**

- a. List below or on a separate sheet the names and titles of the officers and directors of the corporation.

Name	Title
_____	_____
_____	_____
_____	_____
_____	_____

- b. For business corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder owning shares equal to or in excess of 10 percent of the total issued and outstanding shares.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- c. For business corporations whose shares are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934: list below or on a separate sheet the name, address and percentage of ownership interest of each shareholder.

Name	Address	Percentage Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- d. For not-for-profit corporations, list below or on a separate sheet the name, address and percentage of control of each member. If there are no members, please indicate that.

Name	Address	Percentage Control
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**2. FOR PARTNERSHIPS:**

For general or limited partnerships: list below or on a separate sheet the name, address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner.

Name	Address	Percentage Interest
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**3. FOR LIMITED LIABILITY COMPANIES:**

- a. List below or on a separate sheet the names and titles of the officers, if any, of the limited liability company.

Name	Title
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- b. List below or on a separate sheet the name, address and percentage of ownership interest of each (i) member and (ii) manager.

Name	Address	Percentage Interest
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4. FOR LAND TRUSTS, BUSINESS TRUSTS OR ESTATES:

- a. List below or on a separate sheet the name of each individual or legal entity holding legal title to the property that is the subject of the trust:

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- b. List below or on a separate sheet the name, address and percentage of beneficial interest of each beneficiary on whose behalf title is held:

Name	Address	Percentage Interest
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**5. OTHER OWNERSHIP INTERESTS**

a. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, held by one or more agents or one or more nominees on behalf of another individual or legal entity?

Yes  No

If so, list below or on a separate sheet the name, address and percentage of ownership interest of each principal (whether an individual or legal entity) for whom such agent(s) or nominee(s) are holding their ownership interest(s) in the undersigned, and identify each principal's agent or nominee.

Principal's

Name	Address	Percentage Interest	Agent/Nominee
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b. Is any ownership interest in the undersigned, as described in (1)(b)-(d), (2), 3(b) or (4)(b) above, constructively controlled (other than through an agent or nominee) by another individual or legal entity?

Yes  No

If so, list below or on a separate sheet (i) the name of each individual or legal entity whose ownership interest is constructively controlled, (ii) the name, address and percentage of ownership interest of each individual or legal entity possessing such control, and (iii) the means by which such control is or may be exercised.


**III. OTHER PROJECT INFORMATION**

A. List below or on a separate sheet the name and address of each individual or legal entity currently holding legal title to the property for which City assistance is being requested (the "Property"):

-Mc Donald's Corporation (25-06-319-006/010/011)

-Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 (25-06-320-019/020)

-Chicago Board of Education (25-06-320-035)

-Beverly Hills Plaza Building Corporation (25-06-320-035)  
(Leasehold Interest)

B. If title to the Property is held in a land trust, list below or on a separate sheet the name, address and percentage of interest of each beneficiary. If all of this information has already been provided in Section II above, indicate that below and do not repeat it here:

Chicago City Bank and Trust Company, as Trustee Under Trust Agreement Dated January 14, 1964 and Known as Trust Number 7112 - 100% Beneficiary

Estate of Joseph E. Van Ginder

C. Real estate tax index number(s) for the Property:

25-06-319-006/010/011

25-06-320-019/020

25-06-320-035-8001

25-06-320-035-8002

D. Have all water charges, sewer charges, property taxes and sales taxes, due and payable on or prior to the date hereof and concerning the Property, been paid as of the date of this EDS?

Yes     No

If no, describe below the kind and dollar amount of such charges or taxes and indicate by what date full payment shall be made. Failure to make full payment shall halt any requested City action.

**IV. ADDITIONAL INFORMATION**

A. Has the undersigned or any member, partner, beneficiary or owner of the undersigned:

1. ever been a defendant in any civil or criminal suits or legal actions?

Yes  No

2. ever had any debts discharged, satisfied or settled under the Bankruptcy Act?

Yes  No

3. ever had a judgment entered against him/her/it?

Yes  No

4. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation?

Yes  No

**NOTE:** If the answer to any of the above questions is "yes," attach a separate schedule explaining the circumstances, parties involved and resolution or status. A specific description must be provided for each case.

**V. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE**

A. Neither the undersigned nor any "Affiliated Entity" (as defined below) of the undersigned has, during a period of five years prior to the date of execution of this EDS, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other "Environmental Restriction" (as defined below), (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City, the State of Illinois, the federal government, any state or political subdivision thereof, or any agency, court or body of the federal government or any state or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1) or (2) below.

- AC 1. The undersigned makes the certification contained in Paragraph A of this Section V.
- \_\_\_\_\_ 2. The undersigned makes the certification contained in Paragraph A of this Section V except as to the matters specifically identified below:

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(Attach additional pages of explanation to this EDS, if necessary).

- B. The undersigned shall not employ any contractor or subcontractor in connection with the Property without obtaining from such contractor or subcontractor a certification similar in form and substance to the statement in (1) above (or, with the prior written consent of the City agency identified in Section I(F) of this EDS, a certification similar in form and substance to the statement in (2) above) prior to such contractor's or subcontractor's performance of any work or services in connection with the Property or furnishing any goods, supplies or materials of any kind with respect to the Property. The undersigned shall furnish, or cause to be furnished, to the City agency identified in Section I(F) hereof upon its request an executed copy of each such certification. The undersigned shall not employ, in connection with the Property, any contractor or subcontractor if the undersigned or any of its officers (if any) have knowledge that such contractor or subcontractor cannot truthfully execute such certification.
- C. Until completion of the project to which this EDS pertains (the "Project"), the undersigned shall not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code of Chicago or any other Environmental Restriction, whether in connection with the Project or otherwise.

"Affiliated Entities" are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared

facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.

"Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 *et seq.*); (2) the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); (4) the Clean Water Act (33 U.S.C. § 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. § 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. § 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

## **VI. CHILD SUPPORT OBLIGATIONS**

For purposes of this Section VI, "Substantial Owner" means any individual who owns or holds a 10 percent or more "Percentage of Interest" (as defined below) in the undersigned; where the undersigned is an individual or sole proprietorship, "Substantial Owner" means that individual or sole proprietor. "Percentage of Interest" includes direct, indirect and beneficial interests in the undersigned. "Indirect or beneficial interest" means that an interest in the undersigned is held by a corporation, joint venture, trust, partnership, association, estate or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B owns a 20 percent interest in the undersigned, and an individual or entity has a 50 percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a 10 percent or more percentage of interest in the undersigned. If any individuals thus indirectly hold at least a 10 percent interest in the undersigned, the response to this Section VI must cover such individual(s). If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity (and so forth to any additional levels of ownership) to determine whether any individuals indirectly hold a 10 percent or more interest in the undersigned, in which case the response to this Section VI must include them.

The signatory of the undersigned who executes this EDS on behalf of the undersigned **MUST INITIAL** on the line next to the appropriate statement (1), (2), (3) or (4) below.

If there is any misrepresentation in this Section VI, the undersigned shall be barred from contracting with the City for a period of three years.

- ~~A~~ 1. No Substantial Owner has been declared in arrearage on his/her child support obligations by an Illinois court.
- \_\_\_ 2. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations; however, all such Substantial Owners have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
- \_\_\_ 3. An Illinois court has issued an order declaring one or more Substantial Owners in arrearage on their child support obligations and: (i) at least one such Substantial Owner has not entered into any court-approved agreement for the payment of all such child support owed, or (ii) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed, or both (i) and (ii).
- \_\_\_ 4. There are no individuals who are Substantial Owners of the undersigned.

## **VII. CERTIFICATION**

The signatory for the undersigned, being first duly sworn, on oath hereby certifies, deposes and says, under penalty of perjury, as follows:

1. The signatory is authorized to execute this EDS on behalf of the undersigned; the information disclosed herein is true and complete to the best of his/her knowledge; no disclosures as to economic interest in the Project have been withheld; and no information has been reserved as to the intended use or purpose for which the undersigned (or a related entity) seeks action by the City Council or pertinent City agency.
2. Except as described in Section III(D) hereof, if applicable, the undersigned is not in default or in arrears on any outstanding commercial loans, water charges, sewer charges, property taxes, sales taxes or assessments owed to the City, personally or by any partnership, corporation, joint venture or land trust in which the undersigned has at least a five percent beneficial interest.

3. Since the initial date of application, the undersigned has not done or suffered to be done anything that could in any way adversely affect the title to the Property and, except as described herein, no proceedings have been filed by or against the undersigned, nor has any judgment or decree been rendered against the undersigned, nor is there any judgment note or other instrument that can result in a judgment or decree against the undersigned within five days from the date thereof.
4. The undersigned has either paid in full or settled all outstanding parking violation complaints issued to any vehicle owned or controlled by the undersigned personally, or by any partnership, corporation, joint venture or land trust in which the undersigned has control or an ownership interest exceeding five percent in such entity.
5. Neither the undersigned nor, as applicable, any partner, officer, director, owner; member or beneficiary of the undersigned:
  - (a) is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - (b) has within a three-year period preceding the date hereof been convicted of or had a civil judgment rendered against him/her/it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, including, without limitation, any violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
  - (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause (b) above;
  - (d) has within a three-year period preceding the date hereof had one or more public transactions (federal, state or local) terminated for cause or default;
  - (e) has been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, as amended, supplemented and restated from time to time;
  - (f) is in default on an educational loan as provided in 5 ILCS 385/1, as amended, supplemented and restated from time to time;

- (g) has within the last three years (i) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (ii) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (iii) made an admission of guilt of such conduct described in (i) or (ii) above which is a matter of record, but has not been prosecuted for such conduct; or
  - (h) has made or caused to be made, directly or indirectly, any payment, gratuity or offer of employment in connection with the Project as an inducement for the City to provide the requested City assistance described in Section I(J) hereof.
6. The undersigned shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code of Chicago, as amended, supplemented and restated from time to time.
7. The undersigned understands and shall comply with all the applicable provisions of Chapter 2-56 of the Municipal Code of Chicago (Office of the Inspector General), as amended, supplemented and restated from time to time.

#### **VIII. RESTRICTION ON LOBBYING**

The undersigned certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the requested City assistance to which this EDS

pertains, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this Section VIII be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. The certification contained in this Section VIII is a material representation of fact upon which reliance is placed when the transaction to which this EDS pertains was made or entered into. Submission of such certification is a prerequisite for making or entering into such transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Anthony Cassata

(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By: *Anthony Cassata*  
(sign here)

Title of signatory: N/A

Print or type name of signatory: Anthony Cassata

Date: November 13, \_\_\_\_\_, 1997

Subscribed to before me this 13th day of November,

1997 at Cook County, Illinois.

*Richard Lauric*  
Notary Public



Commission expires: 9/29/01

(Do not write below this line except to recertify prior to submission to City Council or on the date of closing.)

**RECERTIFICATION**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby represents, under penalty of perjury, that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City and continue to be true, accurate and complete as of the date hereof.

\_\_\_\_\_  
(Print or type name of individual or legal entity--this should be the same name as given in Section I(A) hereof)

By: \_\_\_\_\_  
(sign here)

Title of signatory: \_\_\_\_\_

Print or type name of signatory: \_\_\_\_\_

Date: \_\_\_\_\_, 199\_\_

Subscribed to before me this \_\_\_\_ day of \_\_\_\_\_,  
199\_\_ at Cook County, Illinois.

\_\_\_\_\_  
Notary Public

Commission expires: \_\_\_\_\_

**CERTIFICATE OF CURRENT & PROJECTED  
EMPLOYMENT DATA FOR**

STATE OF ILLINOIS )  
COUNTY OF COOK )

Anthony Cassata

CITY OF CHICAGO

DEPARTMENT OF PLANNING AND DEVELOPMENT

JOB CLASSIFICATION	EXISTING EMPLOYMENT		YEAR 1 NUMBER OF PROJECTED NEW EMPLOYEES		YEAR 2 NUMBER OF PROJECTED NEW EMPLOYEES		STARTING WAGE	WAGES AFTER FULLY TRAINED	ANTICIPATED TRAINING PROVIDED (Describe Briefly)
	TOTAL M = Male F = Female	MINORITY M = Male F = Female	MONTHS 1-6	MONTHS 7-12	MONTHS 13-18	MONTHS 19-24			
Officers and Managers	M	M							
	F	F							
Professionals	M	M							
	F	F							
Technicians	M	M							
	F	F							
Sales Workers	M	M							
	F	F							
Office and Clerical	M	M							
	F	F							
Crafts Persons (Skilled)	M	M							
	F	F							
Operatives (Semi-skilled)	M	M							
	F	F							
Laborers (Unskilled)	M	M							
	F	F							
Service Workers	M	M							
	F	F							
Other	M	M							
	F	F							
TOTAL	M	M							N/A
	F	F							

Subscribed and sworn to before me  
this \_\_\_\_\_ Day of \_\_\_\_\_, 19\_\_\_\_.

(Seal) \_\_\_\_\_  
Notary

**VERIFICATION:**

Under penalty of perjury, I certify that I am \_\_\_\_\_ The (Owner/President)  
of \_\_\_\_\_, that I am authorized to execute this certificate, that I have  
Personal knowledge of the employment data contained in this certificate and that the employment data is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date